Attorney's Docket No.: 04020.P001

**Patent** 

## DECLARATION AND POWER OF ATTORNEY FOR PATENT APPLICATION

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below, next to my name.

I believe I am the original, first, and sole inventor (if only one name is listed below) or an original, first, and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled

| and for which a pa   | atent is sought on the invention of  | entitled   | n is ciaim   | iea                          |
|--|--|--|--|------------------------------|
| PR   | OTOCOL TECHNOLOGY FO   | OR CLIENT/SERVER ENVIR   | ONMEN  | T                            |
| the specification of   | of which   |  |  |                              |
|  | attached hereto.  as filed on United States Application or PCT International Appl and was amended on   | Numberication Number   | as   |                              |
|  | and was amended on   | (if applicable)  | •  |                              |
| specification, inclusion know and do not be of America before any country before same was not in period to this application, inventor's certification, inventor's certification application prior to application prior to a cknowledge the defined in Title 37, in the period can be of the any foreign application applicatio | iding the claim(s), as amended to believe that the claimed invention my invention thereof, or patented my invention thereof or more the bublic use or on sale in the United and that the invention has not be the issued before the date of this merica on an application filed by months (for a utility patent application this application.  duty to disclose all information In Code of Federal Regulations, Serign priority benefits under Title Serign priority benefits under Title Serign(s) for patent or inventor's contents. | d the contents of the above-ident by any amendment referred to all any any amendment referred to all any any amendment referred to all a was ever known or used in the ed or described in any printed pullian one year prior to this applicated States of America more than one patented or made the subject application in any country foreign application in any country for | ove I d<br>United S<br>olication<br>ition, that<br>ne year p<br>ct of an<br>n to the<br>or assign<br>n patent<br>tentability | tates in the prior  ns  y as |
| Prior Foreign Appli  | ication(s)   |  | Priori<br><u>Claim</u>   |                              |
| (Number)   | (Country)  | (Day/Month/Year Filed)   | Yes  | No                           |
| (Number)   | (Country)  | (Day/Month/Year Filed)   | Yes  | No                           |
| (Number)   | (Country)  | (Day/Month/Year Filed)   | Yes  | No                           |

| I hereby claim the benefit under<br>States provisional application(s)  | r title 35, United States C<br>) listed below .  | code, Section 119(e) of any United  |
|--|--|---|
| (Application Number)   | Filing Date  | _   |
| (Application Number)   | Filing Date  | _   |
| application(s) listed below and,<br>application is not disclosed in th<br>first paragraph of Title 35, Unite | insofar as the subject mode prior United States apost States Code, Section of material to patentability became available betweet | Code, Section 120 of any United States atter of each of the claims of this plication in the manner provided by the 112, I acknowledge the duty to disclose by as defined in Title 37, Code of Federal een the filing date of the prior ate of this application: |
| (Application Number)   | Filing Date  | (Status patented, pending, abandoned)   |
| (Application Number)   | Filing Date  | (Status patented, pending, abandoned)   |
| and a part of this document) as  | my respective patent att<br>ation, to prosecute this a   | o (which is incorporated by reference<br>orneys and patent agents, with full<br>pplication and to transact all business in  |
| Send correspondence to <u>Ja</u><br>TAYLOR &   | nmes H. Salter   | , BLAKELY, SOKOLOFF,  |
| ZAFMAN LLP, 12400 Wilshire direct telephone calls to <u>Jame</u>   | me of Attorney or Agen<br>Boulevard 7th Floor, L<br>es H. Salter<br>f Attorney or Agent)   | t)<br>os Angeles, California 90025 and<br>(408) 720-8598.   |
|  |  |   |

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

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## **APPENDIX A**

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## APPENDIX B

## Title 37, Code of Federal Regulations, Section 1.56 <u>Duty to Disclose Information Material to Patentabllity</u>

- (a) A patent by its very nature is affected with a public interest. The public interest is best served, and the most effective patent examination occurs when, at the time an application is being examined, the Office is aware of and evaluates the teachings of all information material to patentability. Each individual associated with the filing and prosecution of a patent application has a duty of candor and good faith in dealing with the Office, which includes a duty to disclose to the Office all Information known to that individual to be material to patentability as defined in this section. The duty to disclosure information exists with respect to each pending claim until the claim is cancelled or withdrawn from consideration, or the application becomes abandoned. Information material to the patentability of a claim that is cancelled or withdrawn from consideration need not be submitted if the Information is not material to the patentability of any claim remaining under consideration in the application. There is no duty to submit information which is not material to the patentability of any existing claim. The duty to disclosure all information known to be material to patentability is deemed to be satisfied if all information known to be material to patentability of any claim issued in a patent was cited by the Office or submitted to the Office in the manner prescribed by §§1.97(b)-(d) and 1.98. However, no patent will be granted on an application in connection with which fraud on the Office was practiced or attempted or the duty of disclosure was violated through bad faith or Intentional misconduct. The Office encourages applicants to carefully examine:
- (1) Prior art cited In search reports of a foreign patent office In a counterpart application, and
- (2) The closest information over which individuals associated with the filing or prosecution of a patent application believe any pending claim patentably defines, to make sure that any material information contained therein is disclosed to the Office.
- (b) Under this section, information is material to patentability when it is not cumulative to information already of record or being made or record in the application, and
- (1) It establishes, by Itself or in combination with other Information, a prima facie case of unpatentability of a claim; or
  - (2) It refutes, or is inconsistent with, a position the applicant takes in:
  - (i) Opposing an argument of unpatentability relied on by the Office, or
  - (ii) Asserting an argument of patentability.

A prima facle case of unpatentability is established when the information compels a conclusion that a claim is unpatentable under the preponderance of evidence, burden-of-proof standard, giving each term in the claim its broadest reasonable construction consistent with the specification, and before any consideration is given to evidence which may be submitted in an attempt to establish a contrary conclusion of patentability.

- (c) Individuals associated with the filing or prosecution of a patent application within the meaning of this section are:
  - (1) Each inventor named in the application;
  - (2) Each attorney or agent who prepares or prosecutes the application; and
- (3) Every other person who is substantively involved in the preparation or prosecution of the application and who is associated with the inventor, with the assignee or with anyone to whom there is an obligation to assign the application.
- (d) Individuals other than the attorney, agent or inventor may comply with this section by disclosing information to the attorney, agent, or inventor.